

Staff Summary Report (REVISED)



Council Meeting Date: 7/17/03

Agenda Item Number: 26

SUBJECT: This is a public hearing for a request to continue this application to the September 11, Council meeting for a Person and Location Transfer of a Series 6 Bar Liquor License from Makawa Corporation, dba Wayne's Hideaway, 13627 N. 32nd Street, Phoenix, Wayne Mauer, Agent to Sound Bites Restaurant LLC dba Sound Bites Restaurant, (70278) 1700 W. Drake Drive, #1, Jon Harris, Agent.

DOCUMENT NAME: 20030717LIQ1 LIQ LIC (0210-02)

SUPPORTING DOCS: YES

COMMENTS: This liquor license application was received for processing by the Tax and License Division on April 23, 2003. It has been processed through the city departments of Police, Fire and Development Services and the Maricopa County Health Department. The premise has been posted for a 20-day period. No public opposition has been received.

PREPARED BY: Kay Savard, Specialty License Coordinator (x8650)

REVIEWED BY: Bruce L. Smith, License & Collection Supervisor (x8509)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends that Council approve the applicant's request to continue this application to the September 11, Council meeting. If Council does not wish to continue this application, then staff recommends conditional denial of this application.

ADDITIONAL INFO: The applicant was notified in writing on June 17, that there are unresolved issues with the Tempe Police (ownership, security plan issues), Fire (fire code violations) and Development Services (tenant improvement and patio code violations) Departments. This is the reason the applicant requested a continuance from the June 2, Council meeting to the July 17, Council meeting. A conditional denial will result in an additional public hearing before the State Department of Liquor Licenses and Control. The following will serve as the staff contacts and will be present at the July 17, Council meeting to address questions regarding outstanding issues:

Police Department – Buck Rogers, 480-350-8542

Fire Department – Phil Rohe, 480-350-8372

Development Services – Melanie Hobden, 480-350-8069

At the request of the applicant, on July 16 the State Department of Liquor Licenses and Control granted an additional 105 days to process this application, which is why the continuance to the September 11, Council meeting is being requested.

RYAN WOODROW & RAPP P.L.C.

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July 17, 2003

H.J. Lewkowitz

VIA FACSIMILE

Cindy Bejar
Department of Liquor Licenses and Control
800 West Washington, Ste 500
Phoenix, AZ 85007

Re: Public Hearing - Sound Bites Restaurant LLC

Dear Mrs Bejar:

Jon Harris, Agent for Sound Bites Restaurant LLC, applied for a series 6 liquor license on April 17th, 2003.

This application is coming up to its 105-day mark on August 1, 2003. We are asking for an **Extension of Time**, due to the fact that the City of Tempe will continue the Public Hearing to September 11th for John Harris to complete the proper requirements.

If you have any questions or problems, please do not hesitate to contact me.

Sincerely,

Gina C. Miller
Gina C. Miller
For H. J. Lewkowitz, Esq./

sgm
Enclosure/s

Soundbites/LL_7-16-03
-9693.01

Approved extension of time
7/16/03 *Leesa Berene*
Howish
by C Bowen

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DLIC

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, H.J. Lewkowitz, with offices at 3101 No. Central Avenue, #1500, Phoenix, Arizona ("Principal") do hereby make, constitute and appoint Gina C. Miller, of Mesa, Arizona as my true and lawful Attorney-In-Fact, for me and in my name, place and stead, and for my use, behalf and benefit to perform the following acts and things:

To make, execute and deliver any and all applications or documents necessary in connection with matters relating to the sale, transfer, purchase or obtaining of a Liquor License in the State of Arizona on behalf of myself and/or my clients, as I might be required to sign.

Principal gives and grants to Attorney-In-Fact full power to do and perform all and every act and thing whatsoever requisite and necessary to be done as fully to all intents and purposes as Principal might or could do if personally present. Principal ratifies and confirms all that Attorney-In-Fact shall lawfully do or cause to be done by virtue of this Special Power of Attorney.

This Special Power of Attorney shall not be affected by the disability of Principal A.R.S. Sections 14-5501, 14-5502.

H.J. Lewkowitz
H.J. Lewkowitz

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 27th day of May, 2003, before me, the undersigned Notary Public, personally appeared H.J. Lewkowitz, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mandy A. Quinto
Notary Public

My Commission Expires:

